

CITY COUNCIL AGENDA

REGULAR MEETING

WEDNESDAY, JULY 2, 1997

Morgan Hill Civic Center	Mayor	Dennis Kennedy
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Council Chambers 17555 Peak Avenue Morgan Hill, California 95037	Mayor Pro Tempore Councilmember Councilmember Councilmember	Bev E. Freeman Hedy L. Chang Cynthia J. Cook J. Robert Foster
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7:00 P.M.

CALL TO ORDER

(Mayor Kennedy)

ROLL CALL ATTENDANCE

(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk Torrez)

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

PRESENTATIONS

Certificates of Recognition

Measure P Sub-Committee

*(Cindy Guyon, Dennis Lalor, Don Myers, Ralph Lyle,
Scott Schilling, Dick Oliver, Joe Mueller, Allen Palmer, Bonnie Branco)*

INTRODUCTIONS

CITY COUNCIL REPORT

Mayor Kennedy

CITY MANAGER'S REPORT

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.

LEGALLY NOTICED PUBLIC HEARINGS:

1. **TEXT AMENDMENT - REVISION TO RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) STANDARDS AND CRITERIA. APPLICATION ZA-97-04**
Recommended Action: Open and Continue the Public Hearing to July 16, 1997.
2. **ZONING AMENDMENT APPLICATION ZA96-13B -CITY OF MORGAN HILL-ZONING ORDINANCE AMENDMENT REGARDING SECONDARY DWELLING UNITS**
Recommended Action: Request staff presentation.
The Mayor will open the Public Hearing.
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.
Council discussion.
Action- Motion to waive the reading in full of the ordinance;
Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.
3. **URBAN SERVICE AREA APPLICATIONS: USA-97-02: NATIVE DANCER-PAVLINA/SCHILLING, USA-97-03: WATSONVILLE-SOUTH VALLEY & USA-97-04: EAST MAIN-FOX/BERNS**
Recommended Action: Request staff presentation.
The Mayor will open the Public Hearing.
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.
Council discussion.
Action - Motion to approve Negative Declaration (Application USA-97-03)
Action - Motion to Adopt Resolution of Approval (Applications USA-97-02 and USA-97-03)
Action - Motion to Adopt Resolution of Denial (Application USA-97-04)
Should the City Council Wish to include USA-97-04 into the Urban Service Area Boundary
Action - Motion to Direct Staff to Return with the Appropriate Environmental Documentation and Resolution of Approval.
4. **PUBLIC HEARING REGARDING WATER ORDINANCE REVISIONS**
Recommended Action: Request staff presentation.
The Mayor will open the Public Hearing.
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.
Council discussion.
Action- Motion to waive the reading in full of the ordinance;
Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

5. **PUBLIC HEARING REGARDING SEWER ORDINANCE REVISIONS**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action- Motion to waive the reading in full of the ordinance;
Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

OTHER BUSINESS:

6. **CITY TREASURER VACANCY**

Recommended Action: Direct staff to open a recruitment soliciting interest in serving the unexpired term of the City Treasurer and set a date for interviews and appointment, *or* Adopt Resolution calling a Special Election for November 4, 1997 to fill the unexpired term of the City Treasurer.

7. **APPROVAL OF DISTRIBUTION OF HOUSING TYPE AND TERM FOR OF THE NEXT RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P) COMPETITION**

Recommended Action: Adopt Resolution of approval.

8. **1997-98 HOUSEHOLD HAZARDOUS WASTE RECYCLING AND COLLECTION PROGRAM**

Recommended Action: Authorize the City Manager to execute an Agency Agreement for Countywide Household Hazardous Waste Collection Program” in the amount of \$25,000.

9. **LOCAL LAW ENFORCEMENT BLOCK GRANT**

Recommended Actions: 1) Authorize the City Manager to apply for a grant of \$32,361 under the Local Law Enforcement Block Grant Program administered by the Federal Bureau of Justice Assistance, 2) Appropriate \$3,595 from the unallocated contingency fund to serve as the 10% cash match required for the above grant funding, and 3) Authorize the Chief of Police to convene a community Advisory Board to review the application for funding and make non-binding recommendations for the use of funds received under this program, as specified by the attached Grant Program Guidelines.

10. **STATUS OF SECOND CITY COUNCIL MEETING IN AUGUST**

Recommended Action: Cancel the Second City Council Meeting in August Consistent with Past Practice *or* Take No Action, thereby Affirming that the August 20, 1997 City Council Meeting Will Take Place as Scheduled.

ROLL CALL VOTE:

The Roll Call Vote, Agenda Items #11 through #12 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

11. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1341, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending a Development Agreement to provide for an Exception to Loss of Building Allocation for Application MP-96-08: Stonegate-Mantia (APN 773-31-033)

12. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1342, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending a Development Agreement to provide for an Exception to Loss of Building Allocation for Application MP-95-03: Cochrane-EAH (APN 726-25-013 and portion of 727-12-032)

CONSENT CALENDAR: The Consent Calendar, Agenda Items #13 through #17 may be acted upon with one motion, a second and the vote.

13. **VACATION OF THE EXISTING ALIGNMENT AND ACCEPTANCE OF DEDICATION FOR THE PROPOSED BUTTERFIELD BOULEVARD THROUGH THE MORGAN HILL BUSINESS PARK**
Recommended Action: 1) **Adopt** Attached Resolution thereby Vacating the Public Street Right-of-way for the Old Alignment of Butterfield Boulevard, 2) **Authorize** the City Manager to File the Attached Quit Claim Deed Releasing the City's Interest in the Former Alignment of Butterfield Boulevard, 3) **Accept** the Dedication of the New Public Right-of-way for Butterfield Boulevard and **Authorize** the City Manager to Execute the Acceptance Certificate and 4) **Direct** the City Clerk to File Certified Copies of the Above Resolution Quit Claim Deed and Grant Deed in the Office of the Recorder of Santa Clara County.
14. **ACCEPT THE SUBDIVISION IMPROVEMENTS FOR TRACT 8798, BELLE ESTATES PHASE III**
Recommended Action: 1) **Adopt** a Resolution Accepting the Subdivision Improvements included in Tract 8798, Commonly Known as Belle Estates Phase III, and 2) **Direct** the City Clerk to File a Notice of Completion with the County Recorder's Office.
15. **APPROVAL OF AGREEMENT WITH CALTRANS PROVIDING FOR CITY ADMINISTRATION OF FEDERALLY FUNDED PROJECTS**
Recommended Action: **Authorize** the City Manager to Sign the Attached Agreement with the State of California Department of Transportation (Caltrans).
16. **APPROVAL OF SPECIAL MEETING MINUTES OF JUNE 9, 1997 - BUDGET WORKSHOP**
17. **APPROVAL OF SPECIAL MEETING MINUTES OF JUNE 12, 1997 - BUDGET WORKSHOP**
18. **APPROVAL OF REGULAR MEETING MINUTES OF JUNE 18, 1997**

FUTURE COUNCIL AGENDA ITEMS:

Follow-up goal Setting Workshop - Tentatively scheduled for August 6, 1997, at 5:00 P.M.
Funding for Development of Nordstrom Park
Dunne Avenue Traffic/Land-use Study
Sale of Mt. Hope Cemetery
Policy Regarding Fee Deferral Program Implementation

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

This Is an Opportunity for Members of the City Council to Request Items for Future Agendas.
Note: in Accordance with Government Code Section 54954.2(a), There Shall Be No Discussion, Debate And/or Action Taken on Any Request Other than Providing Direction to Staff to Place the Matter of Business on a Future Agenda.

ADJOURNMENT: The City Council will adjourn to its Regular Meeting on Wednesday, July 16, 1997.

OPEN PUBLIC COMMENT PERIOD (3 MINUTES)

At **7:00 p.m.** following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

SPEAKER CARDS

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Torrez, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #1 through #5 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.